

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

RODRIGO SANTOS

DEFENDANT(S).

FILED

Jul 01 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

INDICTMENT

18 U.S.C. § 1344(2) – Bank Fraud (10 counts)
18 U.S.C. § 1519 – Destruction, Alteration, or Falsification of Records in a Federal
Investigation
18 U.S.C. § 1028A – Aggravated Identity Theft (2 counts)
18 U.S.C. §§ 981(a)(1)(C) and 982; 28 U.S.C. § 2461 – Forfeiture Allegation

+

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this ____ 1st ____ day of

July, 2021.

Stephen Ybarra

Clerk

Bail, \$ ____ No Process

Hon. Joseph C. Spero

FILED

Jul 01 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODRIGO SANTOS,

Defendant.

) CASE NO. CR21-268 SI

) VIOLATIONS:

) 18 U.S.C. § 1344(2) – Bank Fraud (10 counts);
) 18 U.S.C. § 1519 – Destruction, Alteration, or
) Falsification of Records in a Federal Investigation;
) 18 U.S.C. § 1028A – Aggravated Identity Theft (2
) counts);
) 18 U.S.C. §§ 981(a)(1)(C) and 982; 28 U.S.C. § 2461 –
) Forfeiture Allegation.

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment:

1. The defendant, Rodrigo SANTOS, was a California licensed civil and structural engineer operating primarily within the City and County of San Francisco, in the Northern District of California. SANTOS was the principal and co-founder of Santos & Urrutia Structural Engineers, Inc. (“S&U”), a structural engineering company based in San Francisco. SANTOS and his company provided

1 engineering services to clients and worked with project owners and contractors. This included work
 2 obtaining building permits from local municipalities, primarily San Francisco. SANTOS' clients
 3 included but were not limited to the following individuals: K.R., D.P., I.P., M.C., M.M.C., B.D., A.D.,
 4 A.P., and Y.P.P. (collectively, "Clients").

5 2. SANTOS maintained Bank of America personal checking account ending in 1750
 6 ("BofA-1750"), jointly held with SANTOS' spouse.

7 3. Bank of America, First Republic Bank, JP Morgan Chase Bank, and Wells Fargo Bank
 8 were financial institutions, as the term is defined in Title 18, United States Code, Section 20, the
 9 deposits of which were insured by the Federal Deposit Insurance Corporation.

10 4. The San Francisco Department of Building Inspection ("DBI") was the regulatory agency
 11 responsible for overseeing the enforcement of building, electrical, plumbing, disability access, and
 12 housing codes for commercial and residential buildings in the City and County of San Francisco. DBI
 13 often collected fees in connection with building and/or construction projects in San Francisco.

14 5. The San Francisco Department of Public Works ("DPW") was a municipal agency
 15 responsible for an array of public services, including construction and maintenance of civic buildings,
 16 public streets, and municipal infrastructure. DPW often collected fees in connection with building
 17 and/or construction projects in San Francisco.

18 6. "A.S." was a person residing in the Northern District of California and serving as an
 19 elected official in San Francisco city government.

20 7. The Federal Bureau of Investigation ("FBI") was an agency of the United States of
 21 America within the Department of Justice.

22 COUNTS ONE THROUGH TEN: (18 U.S.C. § 1344(2) – Bank Fraud)

23 8. The factual allegations in Paragraphs 1 through 7 of this Indictment are re-alleged and
 24 incorporated herein as if set forth in full.

25 9. Beginning no later than in or about November 2012, and continuing through at least in or
 26 about March 2019, in the Northern District of California and elsewhere, the defendant,

27 **RODRIGO SANTOS,**

28 did knowingly and with the intent to defraud, devise and execute, and attempt to execute, a scheme and

artifice to obtain moneys, funds, credits, assets, and other property belonging to, intended for, and owed to K.R., D.P., I.P., M.C., M.M.C., B.D., A.D., A.P., and Y.P.P., and others, that were then in the custody and control of financial institutions, including but not limited to Bank of America, First Republic Bank, JP Morgan Chase Bank, and Wells Fargo Bank, by means of materially false and fraudulent pretenses, representations, and promises, and by concealment of material facts.

The Scheme and Artifice to Defraud

10. In furtherance of the scheme and artifice to defraud, SANTOS used a variety of means and methods, including the following:

11. As part of the scheme to defraud, SANTOS requested or caused another S&U employee to request from Clients numerous checks payable to DBI, DPW, other municipal departments/agencies, private companies, and individuals. Clients were instructed to deliver the checks to SANTOS or to the S&U office in San Francisco. In several instances, SANTOS induced Clients to write the checks by misrepresenting to Clients, either directly or through another S&U employee, that the checks would be used to pay fees or other costs associated with Clients' residential building and construction projects.

12. As part of the scheme to defraud, SANTOS obtained the checks that Clients had written and, in several instances, manipulated the checks by editing the "pay to the order of" ("payee") field to make the checks appear as if they had been written to SANTOS. For instance, SANTOS edited certain checks that Clients had written to DBI by editing the payee field such that it stated "RoDBIgo Santos". In other instances, SANTOS endorsed checks to himself without authorization from Clients and/or the payee indicated on the check. To endorse checks to himself, SANTOS often hand-wrote "DBI", "DPW", or the name of the payee in the endorsement fields on the back of the checks, along with his own name and/or BofA-1750 account number. In several instances, SANTOS obtained checks that certain clients had written to A.S. SANTOS endorsed those checks to himself by writing A.S.'s name and SANTOS' BofA-1750 account number in the endorsement fields of the checks, all without A.S.'s knowledge or authorization.

13. As part of the scheme to defraud, SANTOS deposited Clients' checks into his BofA-1750 personal account, causing funds belonging to Clients and in the custody and control of Clients' financial institutions, including but not limited to Bank of America ("BofA"), First Republic Bank ("FRB"), JP

Morgan Chase Bank (“Chase”), and Wells Fargo Bank (“Wells”), to be transferred into SANTOS’ personal BofA-1750 account.

14. As part of the scheme to defraud, in or about and between November of 2012 and March of 2019, SANTOS deposited approximately 445 checks written “pay to the order of” specific third-party departments/agencies, companies, and individuals amounting to approximately \$775,412.90 into his personal BofA-1750 account.

Execution of the Scheme

15. On or about the dates set forth in the separate counts below, in the Northern District of California and elsewhere, for the purpose of executing the scheme and artifice referred to above, and attempting to do so, the defendant,

RODRIGO SANTOS,

conducted and caused to be conducted the following financial transactions, among others. Specific accounts are referenced by the name of the financial institution and the last four digits of the account number, *e.g.* Wells-1442.

COUNT	APPROXIMATE DEPOSIT DATE	FINANCIAL TRANSACTION
ONE	9/16/2013	Deposit of check #132 from K.R.'s BofA-9140 Account for \$914.03 into SANTOS' BofA-1750 Account
TWO	2/21/2017	Deposit of check #30703482 from A.P.'s Wells-1442 Account for \$500.00 into SANTOS' BofA-1750 Account
THREE	2/21/2017	Deposit of check #552 from Y.P.P.'s Chase-1753 Account for \$500.00 into SANTOS' BofA-1750 Account
FOUR	3/14/2017	Deposit of check #2274 from D.P. & I.P.'s FRB-6645 Account for \$2,314.50 into SANTOS' BofA-1750 Account
FIVE	6/12/2017	Deposit of check #1063 from M.C. & M.C.C.'s FRB-7924 Account for \$1,314.40 into SANTOS' BofA-1750 Account
SIX	8/10/2017	Deposit of check #1079 from M.C. & M.C.C.'s FRB-7924 Account for \$1,1641.50 into SANTOS' BofA-1750 Account
SEVEN	9/11/2017	Deposit of check #1077 from M.C. & M.C.C.'s FRB-7924 Account for \$1,314.40 into SANTOS' BofA-1750 Account
EIGHT	9/15/2017	Deposit of check #1085 from M.C. & M.C.C.'s FRB-7924 Account for \$1,914.30 into SANTOS' BofA-1750 Account

NINE	1/22/2018	Deposit of check #154 from B.D. & A.D.'s FRB-4948 Account for \$1,140.30 into SANTOS' BofA-1750 Account
TEN	8/24/2018	Deposit of check #195 from B.D. & A.D.'s FRB-4948 Account for \$1,314.50 into SANTOS' BofA-1750 Account

16. Each in violation of Title 18, United States Code, Section 1344(2).

COUNT ELEVEN: 18 U.S.C. § 1519 – Destruction, Alteration, or Falsification of Records in a Federal Investigation

17. On or about and between March 2, 2020 and March 27, 2020, in the Northern District of California the defendant,

RODRIGO SANTOS,

did knowingly alter, falsify, and make a false entry in Santos & Urrutia Invoice No. 10807-05 (dated August 1, 2018) and Invoice No. 11912-01 (dated August 23, 2019), which were records and documents, with the intent to impede, obstruct, and influence the investigation into suspected Bank Fraud committed by the defendant, a matter that the defendant knew was within the jurisdiction of the Federal Bureau of Investigation, a department and agency of the United States.

18. All in violation of Title 18, United States Code, Section 1519.

COUNT TWELVE: (18 U.S.C. § 1028A – Aggravated Identity Theft)

19. On or about February 21, 2017, in the Northern District of California, the defendant,

RODRIGO SANTOS,

during and in relation to a felony violation of Title 18 United States Code, Section 1344, Bank Fraud, as alleged in Count Two above, knowingly transferred, possessed, and used without lawful authority, a means of identification of A.S.

20. All in violation of Title 18, United States Code, Section 1028A.

COUNT THIRTEEN: (18 U.S.C. § 1028A – Aggravated Identity Theft)

21. On or about February 21, 2017, in the Northern District of California, the defendant,

RODRIGO SANTOS,

during and in relation to a felony violation of Title 18 United States Code, Section 1344, Bank Fraud, as alleged in Count Three above, knowingly transferred, possessed, and used without lawful authority, a means of identification of A.S.

22. All in violation of Title 18, United States Code, Section 1028A.

FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C) and 982; 28 U.S.C. § 2461)

23. Upon conviction of the offense alleged in Counts One through Nine of this Indictment, the defendant,

RODRIGO SANTOS,

shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a) and Title 28, United States Code, Section 2461, any property, real and personal, which constitutes or is derived from proceeds traceable to said violation, including but not limited to a forfeiture money judgment in the amount of such proceeds.

24. If, as a result of any act or omission of the defendant, any of said property

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to or deposited with a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property, which cannot be divided without difficulty;

the United States shall, pursuant to 21 U.S.C. § 853(p) (as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c)), seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

25. All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982; Title 28, United States Code, Section 2461(c); and Federal Rule of Criminal Procedure 32.2.

DATED: July 1, 2021

A TRUE BILL.

/s/ Foreperson

GRAND JURY FOREPERSON

STEPHANIE M. HINDS

Acting United States Attorney

/s/ Casey Boome

CASEY BOOME

KYLE F. WALDINGER

Assistant United States Attorneys